

HOUSE BILL 845

N1

3lr1867

By: **Delegate Wivell**

Introduced and read first time: February 9, 2023

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Recordation of Instrument With False Information – Penalties**
3 **and Actions to Quiet Title**

4 FOR the purpose of prohibiting a person from recording a deed or other instrument that
5 the person knows or has reason to know contains false information; establishing a
6 certain statute of limitations; authorizing a court to award certain costs in an action
7 to quiet title if the action or a defense to an action is based on the alleged recordation
8 of a deed containing false information; and generally relating to the recordation of a
9 deed or other instrument.

10 BY repealing and reenacting, without amendments,
11 Article – Courts and Judicial Proceedings
12 Section 5–106(a)
13 Annotated Code of Maryland
14 (2020 Replacement Volume and 2022 Supplement)

15 BY adding to
16 Article – Courts and Judicial Proceedings
17 Section 5–106(gg)
18 Annotated Code of Maryland
19 (2020 Replacement Volume and 2022 Supplement)

20 BY adding to
21 Article – Real Property
22 Section 3–104.2
23 Annotated Code of Maryland
24 (2015 Replacement Volume and 2022 Supplement)

25 BY repealing and reenacting, without amendments,
26 Article – Real Property
27 Section 14–607

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2015 Replacement Volume and 2022 Supplement)

3 BY repealing and reenacting, with amendments,
4 Article – Real Property
5 Section 14–617
6 Annotated Code of Maryland
7 (2015 Replacement Volume and 2022 Supplement)

8 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
9 That the Laws of Maryland read as follows:

10 **Article – Courts and Judicial Proceedings**

11 5–106.

12 (a) Except as provided by this section, § 1–303 of the Environment Article, and §
13 8–1815 of the Natural Resources Article, a prosecution for a misdemeanor shall be
14 instituted within 1 year after the offense was committed.

15 **(GG) A PROSECUTION FOR AN OFFENSE UNDER § 3–104.2 OF THE REAL**
16 **PROPERTY ARTICLE SHALL BE INSTITUTED WITHIN 3 YEARS AFTER THE OFFENSE**
17 **WAS COMMITTED.**

18 **Article – Real Property**

19 **3–104.2.**

20 **(A) A PERSON MAY NOT RECORD A DEED OR OTHER INSTRUMENT THAT THE**
21 **PERSON KNOWS OR HAS REASON TO KNOW CONTAINS FALSE INFORMATION,**
22 **INCLUDING INFORMATION RELATED TO THE OWNERSHIP OF THE PROPERTY.**

23 **(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR**
24 **AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$500.**

25 14–607.

26 (a) An answer to a complaint under this subtitle shall be verified and shall set
27 forth:

28 (1) Any claim the defendant has to the property that is the subject of the
29 action;

30 (2) Any facts tending to controvert any material allegations of the
31 complaint that the defendant does not wish to be taken as true; and

1 (3) A statement of any new matter constituting a defense.

2 (b) If the defendant disclaims any interest in the title of the property in the
3 answer or allows judgment to be taken without answer, the plaintiff may not recover costs.

4 14–617.

5 (a) In all cases the plaintiff shall submit evidence at a hearing before the court
6 establishing the plaintiff's title and the court may hear or take any evidence offered
7 respecting the claims of any defendant, other than claims the validity of which is admitted
8 by the plaintiff in the complaint.

9 (b) (1) A judgment in an action under this subtitle shall be recorded in the land
10 records of the county in which any portion of the property is located.

11 (2) The clerk shall index the judgment in accordance with § 3–302 of this
12 article, with the parties against whom the judgment is entered as grantor and the party in
13 whose favor the judgment is entered as grantee.

14 **(C) EXCEPT AS PROVIDED UNDER § 14–607(B) OF THIS SUBTITLE, A COURT**
15 **MAY AWARD TO EITHER PARTY COSTS AND REASONABLE ATTORNEY'S FEES IF A**
16 **CLAIM OR DEFENSE IN THE CASE IS RELATED TO AN ALLEGED VIOLATION OF §**
17 **3–104.2 OF THIS ARTICLE.**

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2023.